

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-cv-00655-RJC-DCK**

PHILLIP DANIEL,

Plaintiff,

v.

STERICYCLE INC. and SHRED-IT USA LLC,

Defendants.

Order


THIS MATTER comes before the Court on Defendants' Motion for Partial Summary Judgment (Doc. No. 40) and Plaintiff's Amended Motion to Conditionally Certify Collective Action (Doc. No. 34). For the reasons stated in open court, Defendants' Motion for Partial Summary Judgment is denied and Plaintiff's Amended Motion to Conditionally Certify Collective Action is granted in part. Specifically, the Court will limit the collective action to current and former employees at Defendants' Raleigh Branch and only allow Plaintiff to send notice to potential opt-in plaintiffs that are not subject to an enforceable arbitration agreement.

IT IS, THEREFORE, ORDERED that:

1. Defendants' Motion for Partial Summary Judgment (Doc. No. 40) is **DENIED**;
2. Plaintiff's Amended Motion to Conditionally Certify Collective Action (Doc. No. 34) is **GRANTED IN PART** and **DENIED IN PART**; and
3. Within **15 days** of this Order, Defendants shall provide Plaintiff a list with names of current and former employees at Defendants' Raleigh Branch that would otherwise be an opt-in plaintiff for purposes of the collective action but for which

Defendants assert have valid arbitration agreements such that they are not subject to receive notice of the collective action, including a copy of the relevant arbitration agreements;

4. Within **30 days** of this Order, the parties shall meet and confer about the validity of any arbitration agreements, which if any of the names on the list should receive notice, the notice form, opt-in form, and processes and procedures for notice;
5. Within **30 days** of this Order, the parties shall conduct an Initial Attorneys' Conference; and
6. Within **60 days** of this Order, the parties shall submit to the Court for approval a proposed notice form, proposed opt-in form, proposed processes and procedures for notice, and a Certificate of Initial Attorneys Conference with a proposed discovery plan. The parties must highlight any disagreements requiring further decision from the Court, including as to who should receive notice.


Robert J. Conrad, Jr.
United States District Judge

